

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

MANUEL NIEVES, Petitioner, THOMAS CARROLL , Warden and CARL C. DANBERG , Attorney General for the State of Delaware, Respondents.	: : : : : : : : : : : : : : : Civ. Act. No. 06-320-GMS
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**MOTION FOR EXTENSION OF TIME TO FILE
CERTIFIED STATE COURT RECORDS**

1. The petitioner, Manuel Nieves, has applied for federal habeas relief challenging his March 2002 Delaware Superior Court conviction and sentence for twenty counts of first degree rape, ten counts of second degree unlawful sexual contact, one count of second degree rape and one count of continuing sexual abuse of a child. *See D.I. 2; Nieves v. State*, 2005 WL 1200861, *1 (Del. May 18, 2005). The undersigned filed an answer to the petition on August 28, 2006.

2. By the terms of the Court's order, the respondents are directed to attach to the answer certified copies of the state court records material to the questions raised in the petitioner's appeal.

3. Due to the large volume of record retrieval recently required by prosecutors in the appeals division, the undersigned has been unable to obtain the certified state supreme court records in order to file them contemporaneously with the answer. The undersigned anticipates obtaining and copying the records on or before September 22, 2006. Counsel has filed relevant portions of the Superior Court record with the answer.

4. Respondents submit that an extension of time to September 22, 2006 in which to file certified copies of the material portions of the state supreme court records in this case is reasonable. Respondents submit herewith a proposed order.

/s/ Elizabeth R. McFarlan
Deputy Attorney General
Department of Justice
820 N. French Street
Wilmington, DE 19801
(302) 577-8500
Del. Bar. ID No. 3759
elizabeth.mcfarlan@state.de.us

Date: August 28, 2006

CERTIFICATE OF SERVICE

I hereby certify that on August 28, 2006, I electronically filed this motion for extension of time to file certified state court records and attachments with the Clerk of Court using CM/ECF. I also hereby certify that on August 28, 2006, I have mailed by United States Service, two copies of the same documents to the following non-registered participant:

Manuel Nieves
SBI No. 464723
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

/s/ Elizabeth R. McFarlan
Deputy Attorney General
Department of Justice
820 N. French Street
Wilmington, DE 19801
(302) 577-8500
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FOR THE DISTRICT OF DELAWARE**

MANUEL NIEVES,	:	
	:	
Petitioner,	:	
	:	
v.	:	Civ. Act. No. 06-320-GMS
	:	
THOMAS L. CARROLL,	:	
Warden, and CARL C. DANBERG,	:	
Attorney General for the State of Delaware,	:	
	:	
Respondents.	:	

ORDER

This _____ day of _____, 2006,

WHEREAS, respondents having requested an extension of time in which to file certified portions of the state court records, and

WHEREAS, it appearing to the Court that the requested extension is timely made and good cause has been shown for the extension,

IT IS HEREBY ORDERED that respondents shall file certified portions of the state court records on or before September 22, 2006.

United States District Judge